

The Court adopts Magistrate Judge Jonathan D. Greenberg's Report & Recommendation and grants plaintiff's counsel's motion for attorney fees in the amount of \$9,897.75. Counsel is directed to refund amounts previously awarded in this case under EAJA to plaintiff. Signed 11/8/16.

s/ James S. Gwin

JAMES S. GWIN  
UNITED STATES  
DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CATHERINE J. WOODRUFF,	)	CASE NO. 1:12CV1752
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	MAGISTRATE JUDGE
	)	JONATHAN D. GREENBERG
CAROLYN W. COLVIN,	)	
Acting Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	<b>REPORT AND</b>
	)	<b>RECOMMENDATION</b>

On August 4, 2016, Kirk Roose ("Counsel"), counsel for Plaintiff Catherine J. Woodruff ("Plaintiff"), filed a Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b) in the total amount of \$9,897.75. (Doc. No. 25.) The Acting Commissioner of Social Security ("Commissioner") filed a response indicating she does not oppose the motion. (Doc. No. 31). On September 6, 2016, Plaintiff's Motion was referred to the undersigned for a Report & Recommendation. (Doc. No. 30.)

For the reasons set forth below, it is recommended that Plaintiff's Counsel's Motion be GRANTED. It is further recommended, however, that Counsel be directed to refund amounts previously awarded in this case under the EAJA to Plaintiff.

**I. Procedural History**

On July 9, 2012, Plaintiff filed a Complaint in this Court, challenging the Commissioner's denial of social security disability benefits. (Doc. No. 1.) After the Commissioner filed an Answer and Transcript of Proceedings before the Social Security